AUG 6 1986

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Calendar No. 736

99TH CONGRESS
2d Session

SENATE

REPORT
99-340

ORIGINAL

DESIGNATING THE CUMBERLAND TERMINUS OF THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK IN HONOR OF J. GLENN BEALL, SR.

H.R. 205

JULY 25 (legislative day, JULY 21), 1986.—Ordered to be printed

COMPLETED 8/

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1766]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1766) to designate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park in honor of J. Glenn Beall, Sr., having considered the same, reports favorably thereon with an amendment to the text and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 2, strike lines 12 and 13 and insert in lieu thereof:

(d) There are authorized to be appropriated up to $25,000 to carry out the purposes of this Act.

PURPOSE OF THE MEASURE

S. 1766, as reported, would dedicate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park to J. Glenn Beall, Sr., in recognition of his efforts to preserve and protect the canal and towpath from development.

BACKGROUND AND NEED

J. Glenn Beall, Sr., was a Member of the House of Representatives from Maryland from 1943 to 1953 and a United States Senator from Maryland from 1953 to 1965. He died in Frostburg, Maryland on January 14, 1971.

During his service in the Congress, Mr. Beall sought to establish the Chesapeake and Ohio National Historical Park and a connect-

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ing parkway from Paw Paw to Woodmont, Maryland. He sponsored legislation authorizing a parkway study which was enacted in 1948. He also introduced legislation to create the Chesapeake and Ohio Canal National Historical Park in the 84th, 85th and 86th Congresses. Though his legislation was not enacted into law, President Eisenhower, by Proclamation in 1961, established the Federal lands comprising the canal as the Chesapeake and Ohio Canal National Moument. Ten years later, in 1971, the 91st Congress enacted legislation establishing that property as the Chesapeake and Ohio Canal National Historical Park.

S. 1766 dedicates the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park to J. Glenn Beall, Sr., and directs the Secretary of the Interior to inform the public of Mr. Beall's contributions. The bill also directs the Secretary to erect and maintain an appropriate memorial to J. Glenn Beall, Sr., within the terminus of the park. The Park Service has indicated that the cost of the memorial would not exceed $25,000.

LEGISLATIVE HISTORY

S. 1766 ws introduced by Senator Mathias and Senator Sarbanes on October 16, 1985. The bill currently has 22 cosponsors. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on S. 1766 on February 21, 1986.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Resources ordered S. 1766, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by unanimous vote of a quorum present recommends that the Senate pass S. 1766, if amended, as described herein.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield [1]	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski [1]	
Mr. Nickles	
Mr. Hecht	
Mr. Evans [1]	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum [1]	
Mr. Bradley [1]	
Mr. Bingaman [1]	
Mr. Rockefeller [1]	

[1] Indicates vote by proxy.

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COMMITTEE AMENDMENT

The amendment authorizes up to $25,000 to carry out the purposes of the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 22, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congresssional Budget Office has reviewed S. 1766, a bill to designate the Cumberland terminus of the Chesapeake and Ohio Canal National Historic Park in honor of J. Glenn Beall, Sr., as ordered reported by the Senate Committee on Energy and Natural Resources on July 16, 1986.

S. 1766 would direct the Secretary of the Interior to provide signs and a memorial within the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park to inform the public of the efforts of J. Glenn Beall, Sr. to protect the canal and towpath from development. The bill authorizes the appropriation of up to $25,000 for this purpose. Assuming appropriation of the authorized amount, the cost to the federal government would be $25,000 in fiscal year 1987. Enactment of the bill would not affect the budgets of state and local governemnts.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1766. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1766, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to S. 1766 is set forth below:

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U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, February 26, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 1766, a bill "To designate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park in honor of J. Glenn Beall, Sr."

We have no objection to the enactment of S. 1766, subject to our understanding that the required memorial for Mr. Beall may take the form of a landscaped plaza.

S. 1766 would dedicate the Cumberland terminus of the Chesapeake and Ohio Canal National Historical Park to J. Glenn Beall, Senior, in grateful recognition of his outstanding efforts to preserve and protect the canal and towpath from development. The bill directs the Secretary of the Interior to inform the public of Mr. Beall's contributions and to cause to be erected and maintained, within the Cumberland terminus of the park, an appropriate memorial to J. Glenn Beall, Senior.

J. Glenn Beall, Senior, was a Member of the House of Representatives from Maryland from 1943 to 1953 and a United States Senator from Maryland from 1953 to 1965. He died in Frostburg, Maryland, on January 14, 1971, and is buried in Frostburg Memorial Park cemetery.

While a Representative, Mr. Beall introduced H.R. 5155 on January 27, 1948, a bill "To authorize the Secretary of the Interior to have made by the Public Roads Administration and the National Park Service a joint reconnaissance survey of the Chesapeake and Ohio Canal between Great Falls, Md., and Cumberland, Md., and to report to the Congress upon the advisability and practicability of constructing thereon a parkway, and for other purposes." This bill authorized $40,000 for the parkway study. It was enacted into law on June 10, 1948.

As a Senator, Mr. Beall introduced S. 4189 on July 9, 1956, a bill "To establish the Chesapeake and Ohio Canal National Historical Park and to provide for the administration and maintenance of a parkway in the State of Maryland, and for other purposes." This bill was the first legislation to propose a national historical park as well as a connecting parkway from Paw Paw to Woodmont, Maryland. This bill was not acted upon in the 84th Congress, but Senator Beall introduced a similar bill, S. 77, in the 85th Congress, which passed the Senate on August 29, 1957. Although he introduced similar legislation in the 86th Congress, no action was taken on it. The 86th Congress ended on January 3, 1961. On January 18, 1961, President Eisenhower established the Federal lands comprising the canal as the Chesapeake and Ohio Canal National Monument by Proclamation number 3391, under authority of the 1906 Antiquities Act. Ten years later, legislation was enacted in the 91st Congress to establish the property as the Chesapeake and Ohio Canal National Historical Park on January 8, 1971.

We have no objection to the enactment of S. 1766, subject to our understanding that such a memorial may take the form of a landscaped plaza dedicated to Beall rather than a large physical structure. We believe an area of landscaping, with benches and interpretive markers, would be an appropriate way to commemorate Senator Beall. We estimate that such a development would not cost more than $25,000. The direction in the bill to inform the public of Beall's contributions is not expected to increase existing costs.

The Offic eof Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Deputy Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1766, as reported.

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